

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

WAYNE ROSS, )  
Petitioner, )  
v. ) CIVIL ACTION NO. 5:15-CV-77 (MTT)  
GLEN JOHNSON, )  
Respondent. )  
\_\_\_\_\_  
)

ORDER

United States Magistrate Judge Charles H. Weigle recommends denying the Petitioner's petition for habeas relief, (Doc. 1), because the three grounds asserting ineffective assistance of counsel do not meet the standard set forth in *Strickland v. Washington*,<sup>1</sup> and the fourth ground is procedurally barred by O.C.G.A. § 9-14-51. (Doc. 9). The Petitioner has objected to the Recommendation. (Doc. 10).

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Petitioner's objection and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects. The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge, and the Recommendation is **ADOPTED** and made the order of this Court. Further, the Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Therefore, a certificate of appealability is **DENIED**. Additionally, because there are no non-frivolous issues to raise on appeal, an appeal

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<sup>1</sup> 466 U.S. 668 (1984).

would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). Accordingly, any motion to proceed *in forma pauperis* on appeal is **DENIED**.

**SO ORDERED**, this 9th day of December, 2015.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT